

FILED

MAY - 7 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

C-08-1404

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 SHIRLEY v. REMMERI }
 11 Plaintiff, } CASE NO. 07-3121 en APPEAL
 12 vs. }
 13 WASHINGTON MUTUAL ET AL., } APPLICATION TO PROCEED
 14 Defendant. } IN FORMA PAUPERIS
 15 } (Non-prisoner cases only)
 16 } BANKRUPTCY COURT
 17 } ADVERSARIAL CASE

I, Shirley V. Remmeri, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

22. 1. Are you presently employed? Yes No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

25. Gross: _____ Net: _____

26. Employer: _____

28. If the answer is "no," state the date of last employment and the amount of the gross and net salary

1 and wages per month which you received.

2 | LAST EMPLOYMENT: NOV. 30, 2004 / \$0.

5 2. Have you received, within the past twelve (12) months, any money from any of the
6 following sources:

- 7 a. Business, Profession or Yes No

8 self employment?

9 b. Income from stocks, bonds, Yes No

10 or royalties?

11 c. Rent payments? Yes No

12 d. Pensions, annuities, or Yes No

13 life insurance payments?

14 e. Federal or State welfare payments, Yes No

15 Social Security or other govern-

16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount
18 received from each.

RENTAL : \$500 per month

21 3. Are you married? Yes No ✓

22 Spouse's Full Name: _____

23 Spouse's Place of Employment:

24 Spouse's Monthly Salary, Wages or Income:

25 | Gross \$ _____ Net \$ _____

6 4. a. List amount you contribute to your spouse's support: \$

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor

1 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)
 2 _____
 3 _____

4 5. Do you own or are you buying a home?

TITLE DISPUTE
Yes No

5 Estimated Market Value: \$ _____ Amount of Mortgage: \$ CIV 438208 Superior Ct

6 6. Do you own an automobile?

Yes No
San Mateo County

7 Make Toyota Year '02 Model TACOMA

8 Is it financed? Yes No If so, Total due: \$ _____

9 Monthly Payment: \$ 0

10 7. Do you have a bank account? Yes No (Do not include account numbers.)

11 Name(s) and address(es) of bank: WACH MUTUAL, SANTA CRUZ
AVE, MENLO PARK, CA 94025

13 Present balance(s): \$ 300.

14 Do you own any cash? Yes No Amount: \$ _____

15 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
16 market value.) Yes No

18 8. What are your monthly expenses?

19 Rent: \$ 0 Utilities: 200

20 Food: \$ 300 Clothing: 0

21 Charge Accounts: None

Name of Account	Monthly Payment	Total Owed on This Account
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

26 9. Do you have any other debts? (List current obligations, indicating amounts and to whom
27 they are payable. Do not include account numbers.)

28 \$ 1.3 MILLION IN

BANKRUPTCY COURT

1
2 10. Does the complaint which you are seeking to file raise claims that have been presented in
3 other lawsuits? Yes No

4 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
5 which they were filed.

6 CIV 438208 Se p-3 On appeal

7 #07-3121 is RELATED TO 07-31336 TEC 13

8 I declare under the penalty of perjury that the foregoing is true and correct and understand that a
9 false statement herein may result in the dismissal of my claims.

10
11 — May 5, 2008 —
12 DATE

Shirley V. Remond

SIGNATURE OF APPLICANT

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Gloria L. Franklin
Clerk of Court

San Francisco Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94120-7341

(415) 268-2300

Richard W. Wiking, Clerk
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

FILED

MAY - 8 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Re: *Shirley V. Remmert, debtor*
Shirley V. Remmert, plaintiff

Washington Mutual Bank et al
defendants

Re: *BK 07-31336 TC*
AP 07-3121 TC
District Court 08-01404-CW

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MAY 9 2008

Dear Mr. Wiking:

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[X] Enclosed please find the Application to proceed in forma pauperis. Appeal pending in BAP. This application to proceed in forma pauperis is for the adversary appeal case 07-3121 TC.

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: May 8, 2008

ANNA CHO-WONG
By: _____
Deputy Clerk Anna Cho-Wong



Office of the Clerk
United States Bankruptcy Court, Northern District of California
San Francisco Division

Gloria L. Franklin,
Clerk of Court
P.O. Box 7341
San Francisco, CA 94120-7341
Phone: (415) 268-2300

Elizabeth Lucero,
Division Office Manager
235 Pine Street, 19th Floor
San Francisco, CA 94104
Phone: (415) 268-2300

March 27, 2008

FILED
AC MAR 27 2008
UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

United States District Court
Northern District of California
450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102

Re: Shirley Venosa Remmert, Bankruptcy Case No. 07-31336TEC, CV08-1404 CW

Dear Clerk:

On March 24, 2008, our court received from the United States District Court the following documents pursuant to Judge Wilken's court order dated March 20, 2008 (order attached):

- Debtor's Notice of Appeal of Order from Bankruptcy Court re: dismissal of case for failure to submit plan payments.
- Application to Proceed In Forma Pauperis

The Debtor's Notice of Appeal of Order from Bankruptcy Court re: dismissal of case for failure to submit plan payments will be properly submitted to the Bankruptcy Appellant Panel because the appellant did not file an election to have the appeal heard by the United States District Court pursuant to 28 U.S.C. §158 (c).

We are returning to the District Court the Appellant's Application to Proceed In Forma Pauperis. The Court of Appeals for the Ninth Circuit has held that bankruptcy courts lack the authority to waive pre-payment of filing fees under 28 U.S.C. §1915(a). Perrotton v. Gray (In re Perrotton), 958 F.2d 889 (9th Cir. 1992) and Determan v. Sandoval (In re Sandoval), 186 B.R. 490, 496 (9th Cir. BAP 1995). A copy of this letter is concurrently being forwarded to the Bankruptcy Appellate Panel, so that they are aware of the pending application.

If you have any questions, please contact Anna Cho-Wong at 415-268-2388.

Thank you.

Sincerely,

Gloria L. Franklin
Clerk of Court

By: *Anna Cho-Wong*
Anna Cho-Wong
Case Management Analyst

attachment (2)

cc: Harold S. Marenus, BAP Clerk
Bankruptcy Appellate Panel